HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No.15210 of 1996

Between:

Gudese Sukunda Rao alias Sudhakara Rao …Petitioner.

AND

Executive Director, Scheduled
Castes Corporation, Guntur
& another. …Respondents.

:: O R D E R ::

Counsel for the Petitioner : Sri Prattipati Venkateswarlu

Counsel for Respondent No.1 : None

Counsel for Respondent No.2 : Sri G.Dharma Rao

7th JUNE 2006

This petition filed for issue of a writ in the nature of mandamus to Executive Director, Scheduled Castes Corporation, Guntur for allotment of Shop No.7 of Swasakthi Shopping Complex, Mangalagiri, Guntur District to the petitioner could have been disposed of by the Bench on 21-8-1997, which passed the following interim order on that day:

> "Heard and perused the pleadings. The claim put forth by the writ petitioner, on the face of it is untenable. He claims to be a sub-lessee under the second respondent. But, sub-lease is prohibited. Be that as it may, even the three years period for which sub-lease is granted had expired by 3-8-1996 and

thereafter the petitioner cannot have any right to stick on to the property. No good ground to continue the interim order.

The learned counsel for the petitioner submits that the petitioner has made an application to the first respondent seeking lease of the same shop in his favour and the same is pending consideration. If such an application is made by the petitioner, the same shall be considered by the first respondent in accordance with law and on merits, within a period of two months and communicate the decision to the petitioner.

The W.V.M.P. is accordingly ordered and the ex parte interim order granted by this Court in WPMP.No.18647/96 on 1-8-1996 is vacated. Post the writ petition for final hearing on 1-9-1997."

Since the substantive prayer made in the writ petition has already been accepted by the Court by directing the Corporation to consider the petitioner's application for allotment of shop, nothing survives in this petition and the same is liable to be disposed of as infructuous. Ordered accordingly. Needless to say that if the petitioner has any other grievance in the matter of allotment or non-allotment of shop, then he shall be free to avail appropriate legal remedy.

G.S. SINGHVI, C.J.

7th June, 2006.

ARS